
H. Ireland. Leamings, Handed.
MINUTES of EVIDENCE

TAKEN BEFORE THE
SELECT COMMITTEE
ON THE
DOWN ELECTION.

PRINTED BY P. BYRNE, No. 108, GRAFTON-STREET.

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PRINTED BY P. BURNETT, NO. 10, CRESSLETON STREET

C A S E
OF THE

County of Down.

THE Committee for trying this cause was chosen on Thursday the 6th of November, 1783, and consisted of the following Gentlemen:

Friday 7th November, 1783.

The Honourable William John Skeffington,
Chairman.

Henry Prittie, Esquire.

Charles Henry Coote, Esquire.

Theophilus Blakeney, Esquire.

Right Honourable Lord Delvin.

Sir Thomas Fetherstone, Bart.

Rogerfon Cotter, Esquire.

Henry Alcock, Esquire.

Honourable Arthur Acheson.

William Pennefather, jun. Esquire.

Abel Ram, Esquire.

Sir Cornwallis Maude, Baronet.

Denham Jephson, Esquire.

Robert Jephson, Esquire.

Captain Thomas Loftus.

Petitioners—Robert Stewart, of Bangor, Esq;
Rainey Maxwell and others, Freeholders of
the county of Down.

Sitting Members—The Right Honourable Arthur
Hill, commonly called Lord Kilwarlin—The
Honourable Edward Ward.

Counsel for the Petitioners—Michael Smith,
Arthur Chichester Macartney and John Dunn,
Esquires.

For the sitting Member (Lord Kilwarlin)—
William Caldbeck, Robert Boyd and William
Downis, Esquires.

For the other sitting Member—Henry Duquerry,
Joseph Pollock, and Henry Stewart, Esquires.

The Petition of the Right Honourable Robert
Stewart being read,

The Petition of the Freeholders was waived
by consent as to the reading thereof.

The Committee then resolved, that if any
witness or person intended to be examined as a
witness, should be proved to have been in the
room during the examination of any other wit-
ness, such person shall be rendered incompetent,
provided this rule shall not extend to the agents
whose names shall be now delivered in to the
clerk, and also the clerk of the peace of the
county of Down, and John Ford, Esq.

Michael Smith, Esq; stated the Petitioner's
Case—The Petitioner disclaimed imputing any
motive to the returning officer that might hurt his
honor

honor or injure his feelings—He also disclaimed every disadvantage against the sitting Members.

The Petition was confined to one single object; on the 14th August last, the election commenced—And Lord Kilwarlin, Mr. Stewart, and Mr. Ward were Candidates.—The two latter set up relying on the independant interest of the county.—And a question being made at the commencement of the election, whether a Deputy's Court should be opened or not, and it not appearing that 4000 had ever voted at any former election, the Sheriff refused to open one without the consent of the Candidates. Mr. Ward having refused to consent there was at first no Deputy's Court—It was then agreed to poll by Tallies of 10 each, that 10 minutes should be allowed to produce the tallies; and the Sheriff declared that he would continue the poll on each day from 9 in the morning until 4 in the afternoon, unless by consent of the Candidates that time was altered, or unless a sett was then going on, in which case he should continue the poll until the round was done.—This rule was inviolably adhered to until the last day, except upon one day, when it was changed by the consent of all the Candidates.—The poll continued until 5th September, a period of 22 days—On the 1st of September Lord Kilwarlin had a considerable majority, and Mr. Ward then was exhausted; in consequence whereof an alliance took place between them, for then Lord Kilwarlin threw his
2d

2d votes in to Mr. Ward—and on the Tuesday following the returning officer declared he would no longer abide by the rule as to the time of polling, but would continue the poll after 4 o'clock—This deviation was opposed by Mr. Stewart and his counsel as injurious to him, and being contrary to the rules established by the Sheriff as well as to justice and propriety; the poll had then continued for 18 days, and this alliance roused the independent interest in favour of Mr. Stewart, and he in consequence of it received great assurances of aid—The poll was in the season of harvest, and when the weather was very bad:—Mr. Stewart's Agents therefore by his directions brought into town on each day only a sufficient number to fill the tallies for the day.—On the 1st of September the number polled in all was 168—The gross poll in both courts about 56 each—On the 2d of September, 98 in the Sheriff's, and 67 in the Deputy's Court, in all 165.—For the registry having been inspected, and it thereby appearing that upwards of 4000 Freeholders were registered—The Sheriff opened a Deputy's Court, which continued sitting during the whole of the poll.

On the 3d September, 171 was the gross poll in both Courts—On the 4th September, 174 was the gross poll in both Courts—and the proportion to each Candidate on those days was not more than 60.—On the 5th of September, the last day of the election, it was very wet and stormy, it was

was the 22d day of the poll. Several Freeholders, the friends of Mr. Stewart, were then in town, but left it knowing that he had sufficient tallies, for he had then 50 or 51 in town, which would have been sufficient for that day, as it was more than 10 above his proportion on the 4th Sept.

On the 5th in the morning, the Sheriff for the first time declared that he would that day depart from the rule of adjourning—This determination of the Sheriff was instantly opposed by Mr. Stewart, who insisted on the adherence to the original rule; but the Sheriff declared that he would continue in Court that day until he should have finished the election, though Mr. Stewart had protested against any deviation from the rule.—On that day Mr. Stewart found a necessity of husbanding his votes, having two to produce voters against him—and declined producing a first tally in the Deputy's Court, as did Lord Kilwarlin and Mr. Ward; a second turn came, and they declined, and then the Deputy's Court was adjourned. Lord Kilwarlin declined producing any tally on the whole of the last day in the Sheriff's Court, which occasioned a more rapid return to Mr. Stewart, whereby he was the more likely to be sooner exhausted.—And Mr. Stewart might for that day have convened a sufficient number to have answered the rapidity of the poll, but not having any reason to expect a deviation from the rule, he had not made any provision for it, and therefore declined producing tallies.—Mr. Stewart first produced his tally and then

then Mr. Ward his—at half past 11, having waited about 8 minutes, the Sheriff made the first proclamation, the time given for producing the tallies having been changed from 10 minutes to 5. On a change being proposed of reducing the tallies from 10 to 5—about 20 minutes after the first proclamation, Mr. Stewart produced another tally, and Mr. Ward declined producing any tally on his part; that Mr. Stewart's tallies might be more rapidly called for—At 4 minutes after 12, the Sheriff declared he would waive his first proclamation, upon which Mr. Ward produced a tally—and at 40 minutes past 12, Mr. Stewart produced voters and continued polling till 37 minutes past one—during which time no voters were produced for Mr. Ward.—At 49 minutes past one, the Sheriff made his 1st proclamation, which was about 12 minutes after Mr. Stewart had produced his tally—Mr. Stewart then produced another tally, and continued polling till 16 minutes after two—At 31 minutes past two the Sheriff made a 2d Proclamation—and until 8 minutes after 4, Mr. Stewart and Mr. Ward continued alternately polling—that from 20 minutes after twelve till 33 minutes after 2, neither Lord Kilwarlin nor Mr. Ward polled any, and Mr. Stewart singly carried on the poll by himself; at a quarter past 4, the Counsel for Mr. Stewart applied to the Sheriff to adhere to the rule originally made, as Mr. Stewart had then many electors to come into town for the next day, and insisted upon an adjournment, but
without

without effect ;—shortly after at about a quarter after 4, Mr. Ward produced a tally ; Mr. Stewart having yet 15 or 16 or perhaps 20 voters in town at this time—Mr. Stewart at 37 minutes past 4 produced a tally, and Mr. Ward another, which continued the poll till 57 minutes after 4 ;—Mr. Stewart at 23 minutes after 5 produced his last tally—and from this time forward the poll became tumultuous, and a number having come to poll for Lord Kilwarlin and Mr. Ward, Mr. Stewart determined not to poll any more, though he had full 2 tallies in town, and insisted on the rule relative to polling being adhered to, but the poll was continued from thence till 23 minutes past 7 o'clock in the evening for Lord Kilwarlin and Mr. Ward only—At 25 minutes past 7, the last proclamation made, and after that, the Sheriff received two votes for Lord Kilwarlin and Mr. Ward, the latter being one, and the Clerk of the Peace the other.—No tallies were then brought up, but the voters came up in a tumultuous and riotous manner, and polled as fast as they could. At 11 minutes after 8 the Sheriff declared Lord Kilwarlin and Mr. Ward duly elected.—At that time Mr. Ward had a majority of 114 over Mr. Stewart on the whole of the gross poll.—On the next morning, Saturday the 6th, a very considerable number of Freeholders were on their way to Down, to poll for Mr. Stewart, not conceiving the election to be over, to the amount of 70—The morning was extremely wet—a large party of them were met on the way, and being inform-

ed the election was over, were astonished—and 30 of them returned home—but about 40 determined to go on to Down and take advice what was necessary to be done, and had a written requisition drawn up demanding their right of voting, and delivered it to the Sheriff, who answered he could not receive them, and that he knew he was responsible for his conduct.

There were more than twice 70, for there were near 160 who were at that time unpolled, who would have polled for Mr. Stewart, had not the election been so suddenly closed—in violation of the By-Law or Rule of Adjournment, promulgated to the county, by which the Freeholders of the county guided themselves in their attendance on the election, and by the violation of which they thought themselves surprized and aggrieved, and deprived of their right of election.

Ordered—That the proper Officer do forthwith attend this Committee, and bring with him the Poll Books of the late Election for the County of Down.

Mr. David Gordon produced to shew the original rule made by the Sheriff.

Counsel for the fitting Member objected to his evidence being received, as being parol.

The room was cleared, and on the return of Counsel, the Chairman informed them that it was Resolved, that on the matter of the Petition now before them, it was the opinion of this Committee,

mittee, that the Poll Books of the Sheriff on the late Election for the County of Down, were necessary to be produced.

Council called in.

Mr. John Brett Clerk of the Peace, delivered in the Poll Books of the late Election for the County of Down pursuant to order—and was produced to authenticate the Poll Book.

The Books had been in his possession from the 6th September, and were then delivered to him by the Sheriff—No alteration had been since made, nor any erasure of any sort.

The Rule from the Sheriff's Poll Book, that he sit each day from 9 o'clock in the morning till four o'clock in the evening was read.

Mr. David Gordon was produced to give an account of that Rule, and to explain the whole of the transaction.

Mr. *Boyd* objected to Gordon's evidence being received, as being parol, there being better evidence, that was to say, the Rule itself.

The Committee resolved that Mr. Gordon should be examined.

The Witness attended on the last Election for Down, as Agent for Mr. Stewart, from the 14th of August to the last day—Lord Kilwarlin, Mr. Ward, and Mr. Stewart were the Candidates—Mr. Annesley was the Sheriff.—The Witness came into Court before any business of consequence was done, and was present at the reading of the Writ.—After the Candidates were proposed—A

question relative to a Deputy's Court came on—The Sheriff did not agree to open a Deputy's Court, as no Poll Books could be produced, to shew that 400 Freeholders had voted at any former Election;—and the Sheriff determined that he would not appoint a Deputy.

Mr. Ward's Counsel opposed it;—the other Candidates were willing to open a Deputy's Court.—The Sheriff then commanded silence, and laid down the Rules of his own Court, nearly in the same words that were read from the poll book, and observed, that, as the election would be tedious, he would sit with great assiduity—and desired the three Candidates to take notice, that he would be in the Court-House every morning at nine o'clock, and continue polling from that time till four, and that he would then adjourn, and would allow 10 minutes for each Candidate to produce his tally—and if not produced within that time, the Candidate not producing it, was to forfeit his round; and 10 minutes in the morning was to be allowed after opening the Court.

The witness was standing near Mr. Metge at that time, who was Counsel for Lord Kilwarlin. The witness desired a more explicit explanation from the Sheriff, who did not hear him at first, from the noise in the Court; and the witness mentioned that there might be an inconvenience from stopping the poll at four o'clock—which was, if a Candidate who brought forward his poll
first

first in the morning, should bring on his tally a little before four o'clock, the other Candidates would lose their tally.—The Sheriff answered it was not his intention to stop precisely at four o'clock, and he would assuredly finish that round before he would adjourn.—After this conversation, for some little interval, numbers were dissatisfied at not opening a Deputy's Court, and Mr. Metge determined to address the Sheriff on that subject again, and called for the registry of the county, which contained upwards of 4000 Freeholders; and insisted that under the Act of Parliament if it appeared to the Sheriff that there were upwards of 400 Freeholders, he was obliged to open the Deputy's Court.

The Sheriff then seemed willing to appoint a Deputy if the Candidates would consent, as it would be an ease to the county.—Lord Kilwarlin and Mr. Stewart consented, but Mr. Ward refused, (this was on the first application) though the point of law was against him.—Mr. Johnston on the part of Mr. Ward refused to consent.—It appeared to be granted that there were upwards of 4000 Freeholders in the county, and that the registry was sufficient proof of that fact; but the Sheriff was not perfectly satisfied at that, and the Clerk of the peace was examined, who was of opinion, that 400 had polled at the last Election, though not a contested one.—And the Sheriff then said he was of opinion, that he was legally authorised to open a Deputy's Court, and
appointed

appointed his Sub-Sheriff for that day, and desired the Candidates to consult together about a proper person for the next day, and that he would appoint that person the Deputy.—The Sheriff then told the Candidates he had settled his rules, and desired them to fix their own regulations accordingly; and they determined that ten should be produced on each tally, and to draw lotts who should first begin—Mr. Stewart drew first lott, Lord Kilwarlin the second, and Mr. Ward the third.—The witness attended the Election from the 14th of Aug. to the 5th of Sept. in the Deputy's Court—on the 20th of August the tallies were reduced from ten to five, by general consent of the Candidates, and the agents got directions accordingly.—Whereupon the Sheriff altered the time, and reduced it from ten minutes to five, but the Deputy allowed ten minutes thro' the whole of the Election.—In general, the Sheriff was very punctual in his attendance in the morning at nine o'clock; the Deputy's Court generally sat later than the Sheriff's in the morning; and the rules of the Sheriff's Court not being adopted in the Deputy's.—The witness very often went into the Sheriff's Court in the morning before he went into the Deputy's; Mr. Stewart very often forfeited his first tally in the morning, the hour being so early that they could not arrange their tallies, and the Sheriff adhering to his hour. The Deputy's Court in general rose before the Sheriff's, so that the witness at sometimes upon
breaking

breaking up of the Deputy's Court went into the Sheriff's Court—The Sheriff generally adhered to the rule of four o'clock for breaking up the Court, and was generally over at or near four o'clock.—The Deputy's watch was generally half an hour before the Sheriff's, which occasioned his Court to be sooner up than the Sheriff's. It was observed by the agents, who were very glad on that account, as they were anxious when the hour of four would come; as Mr. Stewart was frequently run out of Freeholders.—He did not believe the Sheriff ever altered his watch—and the hours were regulated by the Sheriff's watch.—He remembered one day the Deputy began a new round after four o'clock, but did not remember whether the Sheriff on that day began a new round after four.—The poll generally stopped a little after four o'clock; he remembered one day a new tally brought on in the Sheriff's Court after four o'clock, for he, the witness, applied to Mr. Corry to vote two gentlemen who were going to Dublin, who was willing, but it not being agreed to, they were taken to the Sheriff's Court, where they were polled, and that must have been after four o'clock; when the poll was continued after four in the Deputy's Court, it was by the consent of the Gentlemen who sat for the Candidates; and the witness was on one day very glad when an order came to the Deputy to go on another round, as Mr. Stewart was very strong that day in Freeholders, he knew not whether there was any consent

consent from the Candidates in the Sheriff's Court on that day, but understood it was so.—Mr. Stewart suffered no inconvenience from it, nor Lord Kilwarlin, as he was always very strong, but heard that Mr. Ward did.—Mr. Stewart generally settled the business of the numbers to poll after the Court had broke up; and the witness was present when Mr. Stewart wrote letters to several people to come in.—Mr. Stewart regulated the number of friends to come in, according to the hours of polling, and always reckoned from nine o'clock to four, but they were often out in their reckoning, as the numbers did not come in according to their expectation, and Mr. Stewart did not desire more than necessary to come in, it being harvest time.—The witness understood from 9 to 4 to be the hours of polling, and they proportioned their numbers according to the numbers usually polled in that time.—He heard the rule the Sheriff laid down, and considered it as a guide to regulate their conduct.—There was no junction at the beginning of the Election between any of the Candidates, each got whatever Freeholders he could, but gave them no particular directions how to vote.—The poll went on till about the latter end of August, before any junction took place; previous to that, there was a misunderstanding between the friends of Mr. Stewart and Mr. Ward, and they threw their 2d votes to Lord Kilwarlin.—On Monday 1st September, Lord Kilwarlin's 2d votes went to
Mr.

Mr. Ward;—there was an adjournment on that day till 12 o'clock, by the consent of the Candidates, and by Mr. Stewart's own desire, and on that day Lord Kilwarlin and Mr. Ward polled mutually for each other; after the adjournment thought the tallies were all Lord Kilwarlin's, as his name was written on them all.—At the beginning of the poll Mr. Stewart was ahead about 50, and on the 30th August, Mr. Stewart was ahead of Mr. Ward 144. Mr. Stewart by the junction was subjected to a very great difficulty, as his competitors had two tallies to one against him.—The witness did not remember any thing particular on the 2d of September in the Sheriff's Court.—On the 2d of September Mr. Stewart produced in the Sheriff's Court 7 tallies, and 5 in the Deputy's, on Wednesday evening Mr. Stewart had a majority of 7, above Mr. Ward; Mr. Ward on Thursday the 4th of September had a majority over Mr. Stewart of 85.—Witness was in Downpatrick on Friday the 5th September, no tally was produced on that day in the Deputy's Court by any of the Candidates. The Deputy sat after 10 o'clock that day—Mr. Stewart forfeited his first tally, not having it made up.—There was no tally produced for Lord Kilwarlin, nor for Mr. Ward, and consequently the round returned again on Mr. Stewart instantly, and he forfeited his 2d tally—The Deputy sat a good while and then came into the other Court, having adjourned, no tallies being produced.

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duced there that day—The witness was in the Sheriff's afterwards, and when he came into Court he found Mr. Stewart's Counsel and the Sheriff in an argument respecting continuing the poll after 4 o'clock on that day, Mr. Stewart's Counsel arguing that the Sheriff was bound by his own rule, this was about 11 o'clock, and the Sheriff declared he would not be bound by the rule as to the time of adjourning at 4 o'clock, for he declared, he saw every delay on Mr. Stewart's part, and that he would not leave the Court that day until he had finished the whole Election, and would sit as long as he thought proper for that purpose; Mr. Stewart had missed tallies that morning in the Sheriff's Court, prior to 11 o'clock.—The witness did not know whether the other Candidate had then missed any tallies—towards latter end of that day the tallies were discontinued;—Lord Kilwarlin having declined producing tallies upon that day.—Mr. Stewart produced tallies that day—before half after 11 Mr. Stewart produced 2 tallies, as did Mr. Ward also; Lord Kilwarlin waived the time for bringing up his tallies, and the poll was continued between Mr. Stewart and Mr. Ward, on which account the time for producing tallies came above one third quicker than heretofore; at half after 11 the first proclamation was made—The witness did not know how long it was after the last polling;—the Counsel for Mr. Stewart opposed the 1st Proclamation, a sufficient time not
having

come into Down to vote for Mr. Stewart, and also by varying the rule at that time, and closing the poll that night, it would be a very great injury to Mr. Stewart and the Electors;—the Sheriff made very little reply, and did not argue the point, but said he would proceed, and continued to hold the poll till about half past 7—when the poll went on so late, candles were brought, and it was almost dark, which occasioned some confusion and a considerable noise in the Court-House—The poll continued irregularly, the windows being open, the candles were likely to be blown out; but the witness did not hear of any riot, but that the Sheriff could not hear the Freeholders, and declared he would adjourn the Court, having called out silence and for order—and told his clerk to take down the riotous situation of the Court, as he meant to adjourn;—but he did not adjourn, as the Court had become more quiet, and nothing was done for five or six minutes.—The poll was finally closed after 7, and the last Proclamation made a little after 8; the candles were lighted before that after the last Proclamation, 2 votes were received, Mr. Brett's, and Mr. Ward the Candidate's. Mr. Ward voted for himself and Lord Kilwarlin, and Mr. Brett, for Lord Kilwarlin and Mr. Ward; Mr. Stewart's Counsel objected to the last Proclamation being made, because it was 3 or 4 hours after the usual hour of polling, but the objection was over-ruled by the Sheriff.—The witness left the Court before Sheriff declared Members.

He

He was cross examined.

It was an advantage to Mr. Stewart that the Sheriff's watch was later than others.—The Sheriff did not go earlier into Court at the latter end of the Election than at the beginning.—The witness never had an idea that the Sheriff altered his watch—It would have done an injury to Mr. Stewart had the Sheriff gone earlier into Court.—The Deputy's Court sitting later than the Sheriff's, was a mutual advantage to each Candidate, but more so to Mr. Stewart. The friends of the other Candidates came as far as Mr. Stewart's.—Mr. Stewart never objected to the hour of going into Court—He believed in general Mr. Stewart's expresses were attended to, but disappointments must happen, and if he had sent for from 1 to 500 voters on the 1st day, he might have had them.—The witness did not recollect that the Sheriff made a proposal that each Candidate should give their objections in writing, and let them be referred to Counsel.—Mr. Stewart's friends declined giving him a single vote on the 1st day; he believed on the first 4 or 5 days, Mr. Stewart's and Mr. Ward's friends polled for each other. Mr. Stewart's Agents did not study delay, though sometimes they did for want of friends, but in general their conduct was as expeditious as the others.—The Witness was in Court one day when the Sheriff declared, he would sit after 4, to make up the waste of time; this was about the 4th or 5th day of the Election. He did not recollect any particular expression of
the

the Sheriff's on that matter.—Mr. Stewart should have brought his 5 into the Deputy's Court on Friday the 5th of September; the Deputy perhaps sat an hour on that day—They had 10 minutes allowed, and they took advantage of that allowance sometimes. He looked on it, that, when a person lost a tally of 5, he had lost his turn.—He believed they had Freeholders in the Court, tho' they took the advantage of the time, and endeavoured on the last day to husband their voters.—He believed Mr. Stewart before the last day did not make use of that advantage.—There were persons placed to make objections, but not for the purpose of delay.—He believed Simon's instructions were to make objections where any doubt arose; and believed that delay might be part of the intention—He heard on the last day the Sheriff declare he would adjourn the Court, and Counsel asked Mr. Stewart's Counsel what they said to that, and were answered by Mr. Dunn, they would neither assent, dissent or consent.—The reason the Sheriff dwelt upon for continuing the poll, was, that no business was done that day in the Deputy's Court.—No period of the last day but Mr. Stewart had a tally.—The witness believed they took 10 minutes in one instance between polling two men—The Sheriff declared that it was on account of delays that he made the first Proclamation.—It was not necessary for Lord Kilwarlin to continue the poll, and Mr. Stewart thereby might have an advantage if he had

had Freeholders to bring up,—The Counsel endeavoured to shew an irregularity in the Proclamations. Mr. Read was no agent of Mr. Stewart's, though he brought up the tallies—The Sheriff declared if he was not an Agent for one of the Candidates he would send him to goal—Mr. Read said he was a Freeholder, but the witness did not know whether he, Read, voted—The witness believed there might be tallies made up on the last day, wherein there were faggots—59 were brought up that day, 50 brought up to poll, and 9 struck off, 9 left town; as Counsel did not think it advisable to produce them.—The witness heard that Mr. Dunn called it an honorable and unnecessary delay.—Mr. Stewart's Counsel continued in Court and made objections.—Mr. Stewart left the Court early in the day of the 5th of September—The last 5 that voted for Mr. Stewart were his brother, Mr. Price, Mr. Turnly, Mr. ———, and Mr. ———; about 5 o'clock Mr. Alexander Stewart thanked the Deputy in the Sheriff's Court, and left the Court—When they found the polling was to go on late in the evening, the 9 were reserved in Mr. Stewart's office and at so late an hour, Mr. Stewart's Counsel did not think their coming in advisable;—the assizes were to come on the Monday following.

Mr. Stewart and Mr. Ward polled pretty briskly on the last day. He believed the Sheriff's watch being slower than other watches, was accidental.—Mr. Stewart had not such numbers as
before,

before, on the 2 or 3 last days, and was more deficient than the other Candidates.—The Sheriff said no inconvenience could arise from the rule of adjournment, as he would finish the round—Mr. Stewart frequently sent expresses 10, 20 or 30 miles for his tenantry to be in at 9 in the morning, but they could not get in from the badness of the weather; but the same inconvenience did not arise to the other Candidates, as they had longer time.—There was no instance of a round being begun at 4 o'clock, that was not finished, unless by default of the Candidates.—The Deputy sat an hour the last day; the Deputy regularly counted out the time for each Candidate.—The witness could not say whether if the Court had continued open Mr. Stewart would have produced any other tally; both the gentlemen who voted after the last proclamation were in Court the whole of that day—Mr. Isaac Corry was Deputy the first 8 days, and Mr. Arbuckle afterwards.—None of the 9 who left town on the last day had signed the petition; one of them thought the poll would be held on the next morning, and left town under that imagination—They had left town before the witness came out of Court—The reason why they did not poll was, it was not thought adviseable to produce them so late as 8 in the evening.—Rainy Maxwell he believed did not poll, James Law, nor John Kennedy. Crawford and Price polled.—There were several meetings at Ballynahinch, and the names

names of several Freeholders who did not poll to the number of 170 were transmitted to him.—He believed several attended who were not Freeholders.—Tandy did not attend—The witness heard that the utmost exertions were made for Lord Kilwarlin and Mr. Ward.—The witness on the Monday after the election left town, and at Sandfield found a number of persons going to Down to vote for Mr. Stewart, to the number of 21—and another body of 32, in all to the number of 70; but knew not whether they were all Freeholders.—He believed if the Sheriff had sat later the people could have the sooner returned to their harvest.

Arthur Meredyth White was produced by the Petitioners as to several entries contained in the Poll-Book in the Sheriff's Court.

He was employed to take the poll in the Sheriff's Court for Mr. Stewart—He had his poll book to which he referred, it was in his own handwriting; he took down the substance of the rule as to polling, which he read, and which was “the Sheriff declares his determination of opening the Court each day at 9 o'clock, and to rise at 4, waiting only 10 minutes for each Candidate's tally;”—this was the substance of the rule. The witness was in Court the day the election closed.—Mr. Ward produced the first tally; it was by Mr. Stewart's default that Mr. Ward produced his tally—Lord Kilwarlin produced no tally.—At the outset of the poll Mr.

D

Stewart

Stewart had drawn the 1st tally, Lord Kilwarlin 2d, and Mr. Ward 3d.—Mr. Stewart had only forfeited one tally when Mr. Ward produced his; Mr. Stewart produced the next tally.—Mr. Stewart had only forfeited one tally at the time that the Sheriff declared he would depart from the rule of closing the poll; Mr. Stewart's friends opposed the Sheriff's declaration, which was, that they should take notice that he would sit that day as long as he thought proper, and that he was determined not to leave the Court until he put an end to the election.—He made this declaration between 10 and 11 o'clock—The witnesses did not recollect whether the Sheriff repeated that declaration any time of that day—Mr. Stewart opposed that declaration upon the grounds that it would be deviating from the rule made on the first day—and his Counsel stated the hardships that Mr. Stewart would be under from not having notice, so that he could not have sufficient Freeholders in town for that day—Mr. Stewart had polled but 5, before the Sheriff made that declaration—he found the name of Samuel Philson in poll book, it might be near 11 when he polled for Lord Kilwarlin, and Mr. Ward; he found the name of Edward Cuning, who polled 26 minutes after 3, for Mr. Stewart and Lord Kilwarlin.

There were 10 Freeholders produced, and two of them rejected, for Mr. Ward, between the hours of 11 and 26 minutes after 3.

There

There were 33 produced for Mr. Stewart, between the names of Philson and Cuning inclusively, out of which 9 were rejected.

Lord Kilwarlin produced no tallies that day.

At 8 minutes after 4, Mr. Ward had polled 25, Mr. Stewart 31, and none were produced for Lord Kilwarlin.

There were 20 voters of Mr. Ward on that day objected to by Mr. Stewart, from the morning till 8 minutes after 4 o'clock.

There were 19 of Mr. Stewart's voters objected to during the same time, by Lord Kilwarlin and Mr. Ward.—Some of those 19 were exclusive of those who were rejected.

Arthur Smith was the person who immediately polled before the objection was made to the Sheriff's breaking through the rule, he polled for Mr. Ward and Lord Kilwarlin.

It appeared that Mr. Simon objected to many of Mr. Stewart's voters on that day, as did also Mr. Caddell, Mr. Johnston, Sir Richard Johnston, and Mr. Montgomery.

Mr. Stewart had early in the election missed tallies when he was in force early in the day, and it happened frequently.

His entry as to the Proclamation was, that the 1st Proclamation was made after J. Ogle had polled, who had polled 49 minutes past 1; Mr. Stewart's Counsel objected to making this Proclamation for that only 12 minutes had intervened between

the time that John Ogle had polled and the time of making the Proclamation.

He governed himself by his own watch, but knew not whether it agreed with the Sheriff's watch or not.

The 2d Proclamation was made 30 or 31 minutes after 2, being only 15 minutes after the last elector had polled, who was David Scott, who polled for Mr. Stewart and Lord Kilwarlin; an objection was taken for that only 16 minutes had intervened between David Scott's polling and the making of the Proclamation, both the objections were over-ruled by the Sheriff.

Mr. *Macartney*, Counsel for Mr. Stewart, objected to continuing poll after the usual hour, as Mr. Stewart's friends who would attend on the next day, to poll for him, would be precluded from voting if, by continuing the poll, the election was finished that evening.

The objection to the 3d Proclamation was over-ruled—it was made 25 minutes after 7.—Ten persons polled for Mr. Stewart, and 45 for Mr. Ward and Lord Kilwarlin, between the objection of continuing the poll after 4 o'clock, and the final close of the election.

None were rejected who were produced after that time for Mr. Stewart.

Four were rejected who were produced for Lord Kilwarlin and Mr. Ward.

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He was in Court from the time of making the objection to the final close of the poll.

Two minutes had not expired after William Gillespie had polled, till the 3d Proclamation was made; Gillespie polled for Mr. Ward and Lord Kilwarlin.—The making of the 3d Proclamation was objected to by Mr. Stewart, for that the same was made 25 minutes after 7 o'clock., being 3 hours and 25 Minutes after the usual stipulated time of ceasing the poll, as agreed on by the Sheriff and the 3 Candidates, and for that more than 3 minutes were not allowed to intervene between the time of polling William Gillespie and the time of making the said last Proclamation—about 10 or 11 minutes after 8, the Sheriff declared Lord Kilwarlin and Mr. Ward duly elected.

It was 23 minutes after that the 5 last gentlemen polled for Mr. Stewart.

The Sheriff had complained of a riotous disposition in the Court after Mr. Stewart had polled his 5, this was before the candles were lighted.

The Sheriff opened his Court at the hour of 9 in the morning.

In general the Deputy's Court opened later than the Sheriff's, sometimes half an hour, sometimes more and sometimes less; but witness could form no recollection.

The Sheriff's Court opened on the last day at the usual hour, but the witness did not know whether the Deputy's Court did; he believed the
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the Court opened between 9 and 10, he believed none of the Candidates produced any voter in the Deputy's Court on the last day—He remembered the Deputy's returning into the Sheriff's Court between 10 and 11 o'clock on that day; and he believed he did so because no Freeholders were then produced—He never knew him, the Deputy, to adjourn so early before, for he generally before that returned between 4 and 5—He believed the Deputy would have remained in his Court if any Freeholders had been produced to him.—The Deputy did not that day open his Court again.—He could form no recollection of the Sheriff's offering to open the Deputy's Court again.—Mr. Stewart polled as many on the last day in the Sheriff's Court as he had on the former day in both Courts—He believed Mr. Stewart might have produced tallies in the Deputy's Court had he pleased; but could form no belief of Mr. Stewart's reasons for not producing tallies in the Deputy's Court, that was the 1st day he declined producing tallies there—Between 9 and 10 the polling generally began in the Sheriff's Court, and within 10 minutes after the Court opened—The Sheriff minuted the Candidates during the whole of the election—He believed Mr. Stewart came into Court on the last day between 9 and 10 in the morning.—The polling began about a quarter after 9 on the last day—Mr. Stewart lost his 1st tally; Lord Kilwarlin's turn came next, who declined polling; and the witness believed he gave up his 10 minutes,

minutes, for he declined, and would poll no more, and said so within the 10 minutes allowed him—the time was 5 minutes, but he did not remember that Mr. Stewart was allowed 10 minutes to begin polling, as well as he remembered Mr. Stewart was allowed 5 minutes only to begin polling; before the 5 minutes had expired, Lord Kilwarlin declared he would poll no more.—Mr. Ward he supposed, after Lord Kilwarlin had declined, brought up his tally—He could form no belief respecting any Declaration made on that day by Mr. Ward—He could form no recollection nor belief whether Mr. Stewart lost a 2d tally or not, nor whether Mr. Stewart polled his 1st tally, but believed he brought it up in due time after Mr. Ward;—Mr. Stewart's tally was immediately after Mr. Ward's—The witness recollected Mr. Stewart had forfeited his 1st tally, but did not recollect whether he forfeited any other on that day. The 1st note of the time was, when the Sheriff made his 1st proclamation at half after 11, which was afterwards waived—He recollected that the Sheriff, before he made any Proclamation, declared he would sit in that Court that day as long as he thought proper, it was then between 10 and 11, and the witness was sure it was before half past 11, and that he would make Proclamation if the Candidates declined bringing in their tallies before half after 11, and that he would not leave the Court till he had finished the election—The witness paid more attention to what was going on in the Court
after

after that declaration than before—he recollected the Sheriff declared that he would make Proclamations if the Candidates did not produce their tallies; that declaration was made before half after 11 o'clock—He believed Mr. Stewart had produced one tally at that time, but he knew not whether he had produced 2; the Sheriff made the declaration respecting closing the poll that evening before he said he would make his Proclamations if the tallies were not brought up, and this was within a very short time after his, the Sheriff's, coming into Court—Tallies had been forfeited on former days without the Sheriff's making any such declaration, and the witness supposed the reason for the Sheriff making that declaration, was, the not producing of tallies—The witness believed the poll might have been slower that morning than it had been before—but did not remember the making of any objections on that day, but he might have mentioned objections to Counsel—The witness was a Freeholder—there was a delay on Mr. Stewart's part on that day—He was an agent for Mr. Stewart, whose Counsel and agents continued in Court that day till between 7 and 8, and till the last Proclamation was over—The witness believed Mr. Stewart's Counsel or Agents declared that they were not bound to bring tallies, but that the independent Freeholders might come up and vote of themselves—That declaration was made after the middle of the day, the witness believed that they did not say they had none to produce.
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He remembered the Sheriff's declaring, that on account of some noise he would adjourn—He believed that some of the friends of each Candidate had got possession of the box—The Sheriff called Read, who brought up the tallies, and bid him to come down from the box or he would commit him—The witness recollected that some of Mr. Stewart's voters were rejected; there was a consent of the Candidates for polling after 4, on the day that it happened; and it was on Lord Kilwarlin's proposal, with which Mr. Stewart complied, and Mr. Ward consented, but was not pleased afterwards that he had done so—Mr. Ward asked one of his Clerks whether he had any men to go on with, who answered there were enough, in consequence of which Mr. Ward consented; but having lost his tally, he afterwards said, if he had known that before he would not have consented—The witness understood that the Sheriff could not break through the rules without the consent of the Candidates—He recollected that the Sheriff on Mr. Metge's requiring an explanation of the rule, had declared, that he would not after four enter on a new round—The witness thought that he must have heard any address made from the Sheriff to the Freeholders, and must have heard it unless he were very particularly employed—He believed the Sheriff made his declaration of closing the poll after the Deputy's Court had adjourned—But could not recollect whether any of Mr. Stewart's Agents had their watches out to correct the Sheriff.

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Mr.

Mr. Stewart came into Court on the last day of the poll between 9 and 10, and left it between 1 and 2, and never left the Court before in that way—The witness did not remember that Mr. Stewart when he left the Court made any complaint against the Sheriff; there were places of accommodation for Mr. Stewart's friends in town, had they consented to remain in town—the weather had prevented the Freeholders from coming in the morning. Mr. Alexander Stewart polled after 5 o'clock, and thanked the Deputy and Mr. Downes by name for his conduct, do not know whether it was intended as his farewell speech—The witness did not know whether Mr. Stewart lost his tallies intentionally or not.

Thomas Ludford Stewart was produced on behalf of the petitioner, to prove two transactions, on the 25th of August and 2d of September—He was an Agent for Mr. Stewart—He knew the rule which had been mentioned to the Committee, and recollected in the middle of August about 25 minutes after 4 o'clock, Lord Kilwarlin wished to have another round of polling, which being communicated to the Sheriff, who declared he had no objections provided all the Candidates agreed; Mr. Stewart being strong in votes on that day, said he had no objections—and Mr. Ward when applied to for that purpose, asked Bell, one of his Agents, had he, Mr. Ward, a tally, to which Bell answered they certainly had, upon which Mr. Ward consented; but Mr. Ward finding he had been mistaken, before Mr. Stewart

Stewart began to poll his tally, desired to withdraw his consent—and the Sheriff said he certainly could not have proceeded to poll if Mr. Ward had not consented—On the Sheriff's being asked the question, as to another round of polling, the Sheriff said, "now gentlemen are you all satisfied?" and after Mr. Ward made a complaint that as he had began the round he would go through with it—the consequence of which was, Mr. Ward lost a tally, Mr. Ward seemed much displeased, and said he would poll 110 more after 4 o'clock during the contest—at this period there was no avowed junction—The witness was not present on the first day of the election, but was on the second, and continued to attend regularly from thence to the 25th of August—He did not know the Sheriff to break through the rule before that day—Lord Kilwarlin's Freeholders polled most of them singly, but when otherwise they voted indiscriminately for Mr. Stewart and Mr. Ward—On Monday the 1st of September Lord Kilwarlin's voters gave their 2d voices to Mr. Ward, there was then an avowed junction between them, that was the first day on which the junction was manifested—The witness attended the election on the 2d of September, and on Tuesday or Wednesday the Sheriff got up and declared, he found the election a very tedious piece of business, and that it would be very injurious to the country people in the time of their harvest, and that he would not therefore be bound by the rule he had laid down on that account, and

that he would poll later as long as voters appeared—Mr. Stewart rose and said, that would be departing from the original rule the Sheriff had laid down, and therefore objected to his polling after the usual hour; some little argument then ensued between the Sheriff and Mr. Stewart, and the Sheriff then said—"Mr. Stewart, if you will in this Court House say it is an inconvenience to you or any other Candidate, I will not proceed with the poll after 4 o'clock"—Mr. Stewart and his brother were then going to assign reasons why it was an inconvenience, when the Sheriff said, "Mr. Stewart, your word is sufficient on the occasion."—The witness recollected an adjournment of the Court on that Monday, and when the Court opened again, Mr. Ward's tallies came down with Lord Kilwarlin's name.

He was cross examined.—The witness never heard the Sheriff say if there was any delay he would proceed after 4 o'clock, he did not remember any particular delay on the 25th of August—the Sheriff did not proceed after 4 o'clock on the 2d of September—The witness attended the Sheriff's Court the whole of the last day; there was no business done in the Deputy's Court on that day—He believed the Sheriff did say, "Why don't you open the Deputy's Court and proceed to business?" The Sheriff complained several times of the delay upon that day; the Sheriff was very expeditious in polling—The witness kept the cheque book, which was arranged with the names of those who had polled, and
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from the number of entries he had not time to run over the names—Before the junction the 2d votes went to Lord Kilwarlin, and then there was no objection to Lord Kilwarlin's tallies;—after the junction the election did not proceed in the same manner;—many objections were then made and on the last day they made many objections; and he believed objections were made to gain time, but many were made for which there was good reason—He believed they made the best use of the 5 minutes allowed them—He recollected he had a tally in the box, and his watch in his hand within the 5 minutes, and the Sheriff would not poll them, but proceeded with Lord Kilwarlin's tally—he believed there might have been about half a minute between the Sheriff's and his watch—the Sheriff refused them as the time was expired—The witness could have produced them within the time—he was not in the box at the time but was in the Court House—He did not remember the Freeholders standing in the box at that time—Lord Kilwarlin produced no tally on the last day—After the candles were lighted in the Court House there appeared a great confusion, and thinks Mr. Stewart's Counsel were called on to consent to an adjournment from the Bench, either from the Sheriff or Lord Kilwarlin—He thought the latter seemed desirous of an adjournment, and believed Lord Kilwarlin applied for an adjournment—Mr. Stewart's Counsel answered they would not dissent or assent, but said, “do as you like, gentlemen”—The witness

witness believed if they had consented the Sheriff would have adjourned; this was about 6 o'clock, before the last proclamation was made—He believed Mr. Stewart's Counsel and Agents stayed in Court till the last voter had polled—The witness never heard that Mr. Stewart on the Monday before the election ended desired an adjournment—He believed Mr. Stewart's Counsel argued that the first Proclamation was illegal, and he recollected the Sheriff's waving his 1st Proclamation—During the time that the other Candidates were throwing their 2d voters to Lord Kilwarlin, his friends voted singly, and therefore they were strengthening his interest—The change of polling after the 1st of September was in favour of Mr. Ward—The witness was in Court at 4 o'clock on the last day—Mr. Stewart objected that day to the proceedings after 4 o'clock, in case the election should close that evening—It was not owing to misconduct or unwillingness in the Sheriff that the Deputy's Court was not opened—There was no unnecessary delay on the 25th of August, for Mr. Stewart was very strong, and generally had sufficient Freeholders in town to spin out the day—The witness believed that if the Sheriff's intention had been known, that he would have closed the poll on Friday, that Mr. Stewart would have had many more Freeholders in town—The witness looked upon the Sheriff's declaration of not proceeding after 4 o'clock to be for the remainder of the election—The witness was in the Sheriff's Court when Mr. Ward's tally

tally polled on the refusal of Mr. Stewart's tally, at which time Mr. Stewart had good voters—The witness believed Mr. Stewart's finding two to one against him, was the reason for his not polling in the Deputy's Court, as he would thereby be the sooner exhausted if he proceeded in the Deputy's Court, and in order to prolong the poll, as it was necessary for Mr. Stewart's friends to come in from the country, who were exasperated at the junction—The witness had heard that more Freeholders of Mr. Stewart's left town the last day without polling, Mr. Stewart's Counsel not thinking it advisable for them to poll after the usual hour—Mr. Alexander Stewart polled after 4, all Mr. Stewart's friends were not advised of the junction—many of his friends came from beyond Belfast the day after the election; and Mr. Stewart the day after the election publicly advertised the county thereof—He believed it was not advertised the evening of the junction, but believed it appeared the next morning in the hand bills, and in Tuesday's Belfast paper.—The junction was well known on the day it was formed, and people might have come from Dublin time enough to vote before the election had closed.—Newry is 20 miles from Downpatrick, Mr. Stewart had several voters from Newry, but the witness did not recollect more on the last day from thence than Mr. Ogle—Donoghadee is 23 miles from Downpatrick; 26 miles is the farthest distance in the county from Downpatrick.—When the junction was formed they thought it necessary to be

be as strong as possible---Mr. Stewart's seat was looked on as secure, until the junction—Mr. Stewart on Thursday the 4th came into Court with a majority of 7 over Mr. Ward—The witness believed the common Freeholders had not notice of the election ending on the 5th, as many common Freeholders never saw the newspapers—He believed they exerted themselves very much to make the junction known, and that Mr. Stewart's majority decreased every day after the junction—The witness believed from the beginning to the end of the poll, a state of it was sent abroad, and Mr. Stewart sent a state thereof to his particular friends—The witness had heard that several Freeholders from the county of Armagh and Antrim were prevented from polling by the sudden close of the poll. Mr. Stewart's friends appeared after the junction to be coming in from all quarters, and many whom he did not know.

The Rev. William Mayne was produced on behalf of the petitioner to prove the transactions of the 5th and 6th of Sept.—The witness was a Clergyman of the Church of England, he was at Downpatrick on the 5th of September, and left it on that day about 1 o'clock, and returned home with an intent of calling on some Freeholders whom he knew had not voted, to come to Downpatrick on the following day being Saturday, to vote for Mr. Stewart—The witness had been at the election previous to Friday; he had been there on the first day, and different days

days of the election, and understood that there was a rule for the polling, and that from 9 to 4 were the general hours of polling—whilst he the witness was there, it was so, and it was generally understood to be so in the country—The witness when he left Down on Friday, did not know that the Sheriff had declared he would break through the rule of polling, and had no reason to expect that the poll would close on that day—The witness returned to Down on Saturday the 6th, about 12 o'clock, and then heard that the poll had closed the night before; there were a number of Freeholders who had come from Lisburn and Belfast, and the neighbourhood thereof to Down with him on Saturday the 6th, with an intent to poll for Mr. Stewart—The witness had heard they intended to poll for Mr. Stewart from themselves—the weather was very bad on that morning, it was in harvest, which was in danger from the badness of the weather; there was a number of people who drew up a requisition—Counsel on behalf of sitting Member objected to going into evidence of any thing after the election had closed on any subsequent day—The room was cleared.

The Committee came to the following Resolution, which the Chairman communicated to the Counsel, viz. Resolved that it is the opinion of this Committee that it is not necessary to produce any evidence to any transaction subsequent to the 5th day of September last.

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The witness was a Freeholder of the county of Down; his freehold was of the yearly value of ten pounds above all charges, and could let it for. —He did not poll at the last election for the county of Down; he did intend to poll for Mr. Stewart, and was prevented from polling by the close of the poll on Friday the 5th of September; the close of the poll was a surprise upon him, and there were several more voters besides himself unpolled, about twenty to his knowledge, there were nine in his own neighbourhood.

He was cross examined.

He lived about 9 miles from Downpatrick, and might have been about 5 or 6 days there during the poll at different times—he got to Downpatrick on the 5th of September, about 12, and did not go into Court but went into Mr. Stewart's office—He there understood that Mr. Stewart had many Freeholders in town—The witness believed he might have polled any of the days he was in town had he pressed for it—On Tuesday preceding the last day of the election, he went to poll, but could not, as many who lived at a great distance were brought on—he was not so urgent to poll as he could come back any day, and did not offer himself on Tuesday on any tally—He waited in Downpatrick several days at the desire of some friends of Mr. Stewart's, to be put on a tally with them, but never desired to be put on any tally—He did not hear whether the Deputy's Court sat the last day—on his arrival in town, he met several friends of Mr. Stewart's, who informed him they

they were going on very well, and had good hopes of success, but some of them sent off expresses to Lisburn and other places to press in friends for the next day - he asked them if it was necessary for him to stay, and poll on that day, and Mr. Stewart's Clerks told him it was not, as they had sufficient to support the poll for that day—The witness had heard since that, that the Deputy's Court was closed early upon that day—He could not form a belief whether those Clerks knew whether the Deputy's Court was closed or not - He did not know any of Mr. Stewart's Clerks by name—But believed they were the Clerks who made up the tallies for Mr. Stewart—Mr. Price of Sanfield was the friend who went along with him, but the witness had no conversation with him relative to the Court, and could form no belief about it—The witness imagined the Clerks should have known that the Deputy's Court was closed - heard within a few days after the election that Mr. Stewart had produced no tallies in the Deputy's Court on the last day—He believed Mr. Price polled on Friday and believed the Sheriff would have received the witness's vote had he remained in town.

The witness went to Mr. Stewart's between 12 and 1, and did not hear whether the Sheriff had made any proclamation, and did suppose it would have been a subject of conversation among the Clerks had it been then made—The witness did not hear of the Sheriff's declaration of infringing the rule—and had no conversation with the

Clerks but merely relative to his own polling; did not hear before he left town that the Sheriff had made any declaration of closing the poll that day, and supposed it would have been a subject of conversation among Mr. Stewart's Clerks—it was his wish to accommodate Mr. Stewart with his vote when most convenient to Mr. Stewart—Had he polled the first day he would have polled for Mr. Ward and Lord Kilwarlin, but never intended to have gone on Mr. Ward's tally, though he intended to give him a vote, and would not have given Mr. Ward a vote after the 1st of September.

The Petitioners here closed their evidence, and Lord Kilwarlin by his Counsel declared, he did not think he was obliged to go into any evidence, and Mr. Annesley the Sheriff, rested his case on the Petitioner's own evidence, although he had many respectable witnesses to produce, and appealed to the candour of the Petitioner's Counsel for his conduct.

Counsel for Mr. Ward thought it unnecessary to go into any evidence on his part.

The Committee came to the following Resolutions, which the Chairman afterwards reported to the House, that the Select Committee appointed to try the matter of the petition of the Right Honourable Robert Stewart, complaining of an undue election and return for the county of Down, and also, the Petition of Rainey Maxwell and others, complaining of an undue election
and

and return for the said county of Down, had determined,

That the Right Honourable Arthur Hill, commonly called Lord Kilwarlin, was duly elected a Knight of the Shire to serve in the present Parliament for the county of Down.

And also, that the Honourable Arthur Hill, commonly called Lord Kilwarlin, was duly returned a Knight of the Shire to serve in the present Parliament for the county of Down.

And also, that the Honourable Edward Ward, was duly elected a Knight of the Shire to serve in the present Parliament for the county of Down.

And also, that the Honourable Edward Ward was duly returned a Knight of the Shire to serve in the present Parliament for the county of Down.

And also, that the conduct of the Honourable Richard Annesley, Sheriff of the county of Down, at the late election for Members to serve in Parliament for the said county, was strictly impartial and legal.

And that they had resolved, that the Petition of the Right Honourable Robert Stewart, and also the Petition of several Freeholders of the county of Down, complaining of an undue election and return for the said county, are frivolous, vexatious and groundless.

And

* 21 Ir.
Com. Jour.
3 Nov.
1783,
p. 266.

And the said Determinations were ordered to be entered on the Journals*.

In consequence of the above Determination, a motion was made in the House, and a Question being put, that the petitioner the Right Honourable Robert Stewart, complaining of an undue election for the county of Down, and also of misconduct of the Sheriff of said county, do make satisfaction by payment of the costs incurred by the sitting Members and Sheriff in trying the Petition for said county of Down.

It was carried in the Affirmative.

And it was ordered, that Rainey Maxwell, James Law, Benjamin Bradford, John Kennedy, John Crawford, and Nicholas Price, do attend this House on this day sennight.

And on Monday the 17th day of November, 1783, the Order of Thursday the 13th day of November instant, that Rainey Maxwell, James Law, Benjamin Bradford, John Kennedy, John Crawford, and Nicholas Price, do attend the House on this sevensnight, being on motion read;

A motion was made and the question being put, that the said Order be discharged.

The House divided,

Ayes, 84

Noes, 41

It was carried in the Affirmative.

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